



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa1073/1
BEM:kmg:jf

**SENATE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 378**

November 18, 1997 – Offered by COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING
AND GOVERNMENT OPERATIONS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 10: before that line insert:

3 “**SECTION 8m.** 13.48 (13) (a) of the statutes is amended to read:

4 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
5 facility that is constructed for the benefit of or use of the state, any state agency,
6 board, commission or department ~~or~~ the University of Wisconsin Hospitals and
7 Clinics Authority or any local professional baseball park district created under
8 subch. III of ch. 229 if the construction is undertaken by the department of
9 administration on behalf of the district, shall be in compliance with all applicable
10 state laws, rules, codes and regulations but the construction is not subject to the
11 ordinances or regulations of the municipality in which the construction takes place
12 except zoning, including without limitation because of enumeration ordinances or

1 regulations relating to materials used, permits, supervision of construction or
2 installation, payment of permit fees, or other restrictions.

NOTE: Corrects error in transcribing 1995 Wis. Act 216.

3 **SECTION 8p.** 13.48 (18) of the statutes, as affected by 1997 Wisconsin Act 5,
4 section 2, is amended to read:

5 13.48 (18) ACQUISITION OF OPEN SPACES. The building commission may acquire
6 property adjacent to or within 2 blocks of any state facility for the purpose of
7 establishing and developing open green spaces or possible future construction if such
8 acquisition is to be solely used to meet the space needs of the state law library, the
9 legislative reference bureau library and legislative and judicial branch agencies and
10 support staffs

NOTE: 1997 Wis. Act 5, section 1, added the language stricken above. 1997 Wis. Act 5, section 2, amended s. 13.48 (18) as affected by Act 5, section 1, by deleting the material added by Act 5, section 1, but did not include all of the text added by Act 5, section 1. This provision carries out the intent of Act 5, section 2, to return s. 13.48 (13) to its pre-Act 5 status.”.

11 **2.** Page 16, line 6: before that line insert:

12 “**SECTION 48m.** 25.43 (2) (c) of the statutes is amended to read:

13 25.43 (2) (c) The department of administration may establish and change
14 accounts in the clean water fund other than those under pars. (a) and (b). The
15 department of administration shall consult the department of natural resources
16 before establishing or changing an account that is needed to administer the program
17 under s. 281.58 and or 281.59.

NOTE: Corrects error in transcribing 1995 Wis. Act 227.”.

18 **3.** Page 89, line 9: before that line insert:

19 “**SECTION 237m.** 66.293 (3) (bm) of the statutes is amended to read:

1 66.293 **(3)** (bm) Any person may request a recalculation of any portion of a
2 determination within 30 days after the initial determination date if the person
3 submits evidence with the request showing that the prevailing wage rate or
4 prevailing hours of labor for any given trade or occupation included in the initial
5 determination does not represent the prevailing wage rate or prevailing hours of
6 labor for that trade or occupation in the area. Such evidence shall include wage rate
7 and hours of labor information for work performed in the contested trade or
8 occupation in the area within the previous 12 months. The department shall affirm
9 or modify the initial determination within 15 days after the date on which the
10 department receives the request for recalculation.

NOTE: Corrects error in transcribing 1995 Wis. Act 215.”.

11 **4.** Page 90, line 1: before that line insert:

12 “**SECTION 238m.** 66.40 (5) (a) of the statutes is amended to read:

13 66.40 **(5)** (a) When the council of a city adopts a resolution under sub. (4), it
14 shall promptly notify the mayor of such ~~adoption~~. Upon receiving such notice, the
15 mayor shall, with the confirmation of the council, appoint 5 persons as
16 commissioners of the authority, except that the mayor of a 1st class city that has
17 created a housing authority before May 5, 1994, shall appoint 7 commissioners, at
18 least 2 of whom shall be residents of a housing project acquired or constructed by the
19 authority. No commissioner may be connected in any official capacity with any
20 political party nor shall more than 2 be officers of the city in which the authority is
21 created. The powers of each authority shall be vested in the commissioners thereof
22 in office from time to time.

NOTE: Corrects error in transcribing 1993 Wis. Act 379.”.

23 **5.** Page 110, line 6: before that line insert:

1 **“SECTION 294m.** 101.761 (3) of the statutes is amended to read:

2 101.761 **(3)** The department or a county may not enforce this subchapter or an
3 ordinance adopted under s. 101.76 (1) (a) or provide inspection services in a
4 municipality unless requested to do so by a person with respect to a particular
5 manufactured building or by the municipality. A request by a person or a
6 municipality with respect to a particular manufactured building does not give the
7 department or a county authority with respect to any other manufactured building.
8 Costs shall be collected under s. 101.76 (1) (c) or ss. 101.73 (12) and 101.76 (2) from
9 the person or municipality making the request.

NOTE: Corrects error in transcribing chapter 314, laws of 1981.

10 **SECTION 294p.** 102.07 (5) (c) of the statutes is amended to read:

11 102.07 **(5)** (c) A shareholder–employee of a family farm corporation shall be
12 deemed a “farmer” for purposes of this chapter and shall not be deemed an employe
13 of a farmer. A “family farm corporation” means a corporation engaged in farming all
14 of whose shareholders are related as lineal ancestors or lineal descendants, or as
15 spouses, brothers, sisters, uncles, aunts, cousins, sons–in–law, daughters–in–law,
16 fathers–in–law, a mothers–in–law, brothers–in–law or sisters–in–law of such lineal
17 ancestors or lineal descendants.

NOTE: Corrects error in transcribing chapter 224, laws of 1975.”.

18 **6.** Page 115, line 7: before that line insert:

19 **“SECTION 305m.** 108.04 (17) (a) 1. of the statutes is amended to read:

20 108.04 **(17)** (a) 1. During the period between 2 successive academic years or
21 terms, if the school year employe performed such services for an educational
22 institution in the first such year or term and if there is reasonable assurance that he

1 or she will perform such services for an educational institution in the 2nd such year
2 or term; or-

NOTE: Corrects error in transcribing 1993 Wis. Act 373.”.

3 **7.** Page 119, line 1: before that line insert:

4 “**SECTION 318m.** 118.163 (2) (e) of the statutes, as affected by 1997 Wisconsin
5 Act 3, is amended to read:

6 118.163 (2) (e) An order for the department of workforce development to revoke,
7 under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.

NOTE: 1997 Wis. Act 3 added “development” without showing it as underscored.
The change was intended.”.

8 **8.** Page 130, line 15: before that line insert:

9 “**SECTION 357m.** 196.491 (2) (g) of the statutes is amended to read:

10 196.491 (2) (g) Within 180 days after the plan is filed, the commission shall hold
11 a hearing thereon. The hearing shall be held in an administrative district,
12 established by executive order 22, issued August 24, 1970, which the commission
13 determines will be significantly affected by facilities proposed in the plan to be
14 constructed in the following 3 years. The commission may thereafter adjourn the
15 hearing to other locations or may conduct the hearing by interactive video conference
16 or other electronic method. Notice of such hearing shall be given by class 1 notice,
17 under ch. 985, published in the official state newspaper and such other regional
18 papers of general circulation as may be designated by the commission. At such
19 hearing the commission shall briefly describe the plan and give all interested persons
20 an opportunity, subject to reasonable limitations on the presentation of repetitious
21 material, to express their views on any aspect of the plan. The presentation of such
22 views need not be under oath nor subject to cross-examination. The commission

1 shall advise all persons present of their right to express their views orally or in
2 writing, under oath or otherwise, and of the legal effect of each such form of
3 testimony. A ~~written~~ record of unsworn testimony shall be made and considered by
4 the commission as comments on the plan under par. (e). Persons presenting such
5 views shall not be parties. The utility, any state agency, county, municipality, town,
6 or any person whose substantial rights may be adversely affected by the testing for
7 or construction of facilities described in an advance plan, shall, upon filing written
8 notice setting forth its interest at least 10 days in advance, be afforded all the rights
9 of a party in a contested case.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.

10 **SECTION 357p.** 196.857 (2g) (title) of the statutes is amended to read:

11 196.857 **(2g)** (title) FARM SERVICE SERVICES FEES.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.”.

12 **9.** Page 133, line 1: before that line insert:

13 “**SECTION 362m.** 215.04 (1) (a) to (e) of the statutes are amended to read:

14 215.04 **(1)** (a) Advise the division in respect to improvement in the condition
15 and service of associations;₂

16 (b) Review the acts, orders and determinations of the division under sub. (4);₂

17 (c) Act promptly on matters and questions, pertaining to associations, that may
18 be submitted to it by the division;₂

19 (d) Serve as an appeal board for associations under ~~s.~~ ss. 215.40 (18) and 215.60
20 (15);₂

21 (e) Perform such other review functions in relation to associations as may be
22 provided by law;₂

NOTE: Replaces punctuation consistent with current style; and replaces “s.” with
“ss.”.

1 **SECTION 362p.** 215.04 (1) (f) of the statutes, as affected by 1997 Wisconsin Act
2 3, is amended to read:

3 215.04 (1) (f) Conduct hearings and take testimony, and to subpoena and swear
4 witnesses at such hearings. The review board shall have the same subpoena powers
5 as are possessed by the department of workforce development and also the powers
6 granted by s. 885.01 (4);.

NOTE: Replaces punctuation consistent with current style.”.

7 **10.** Page 133, line 20: before that line insert:

8 “**SECTION 363m.** 215.32 (6) (d) of the statutes is amended to read:

9 215.32 (6) (d) *Conservation of assets; collection of claims; sale of assets and*
10 *performance of any other acts upon order of the court. A special deputy commissioner*
11 ~~appointed under this section may take any action necessary to conserve the assets~~
12 ~~and business of an association subject to this section and shall proceed to liquidate~~
13 ~~its affairs. The special deputy commissioner shall collect all claims belonging to the~~
14 ~~association, and, with the prior approval of the commissioner and the circuit court,~~
15 ~~may sell or compound all bad or doubtful claims, do any act or execute any necessary~~
16 ~~instruments, or sell the property of the association. A special deputy appointed~~
17 under this section may take any action necessary to conserve the assets and business
18 of an association subject to this section and shall proceed to liquidate its affairs. The
19 special deputy shall collect all claims belonging to the association, and, with the prior
20 approval of the division and the circuit court, may sell or compound all bad or
21 doubtful claims, do any act or execute any necessary instruments, or sell the property
22 of the association.

NOTE: Corrects error in transcribing 1995 Wis. Act 27.”.

23 **11.** Page 140, line 8: before that line insert:

1 “**SECTION 379m.** 233.40 (1) (intro.) of the statutes is amended to read:
2 233.40 (1) **RATES.** (intro.) The University of Wisconsin Hospital Hospitals and
3 Clinics shall treat patients so admitted at rates computed in the following manner:

NOTE: Corrects error in transcribing 1995 Wis. Act 27.”.

4 **12.** Page 143, line 1: before that line insert:

5 “**SECTION 388m.** 283.13 (3) (d) of the statutes is amended to read:

6 283.13 (3) (d) *No modification for toxic pollutants.* Notwithstanding pars. (a)
7 and (b), the department may not modify any requirement of this subsection or sub.
8 (2) applicable to any toxic pollutant which is on the list promulgated under s. ~~283.33~~
9 283.21 (1).

NOTE: Corrects error in transcribing 1995 Wis. Act 227.”.

10 **13.** Page 143, line 3: before that line insert:

11 “**SECTION 389m.** 285.21 (1) (a) of the statutes is reenacted to read:

12 285.21 (1) (a) *Similar to federal standard.* If an ambient air quality standard
13 is promulgated under section 109 of the federal clean air act, the department shall
14 promulgate by rule a similar standard but this standard may not be more restrictive
15 than the federal standard except as provided under sub. (4).

NOTE: Corrects error in transcribing 1995 Wis. Act 227. The wrong paragraph was inadvertently inserted into the statutes.”.

16 **14.** Page 143, line 18: before that line insert:

17 “**SECTION 393m.** 289.10 (title) of the statutes is amended to read:

18 **289.10** (title) **County solid waste management plans.**

NOTE: Corrects error in transcribing 1995 Wis. Act 227.”.

19 **15.** Page 145, line 7: before that line insert:

20 “**SECTION 397m.** 291.23 (title) of the statutes is amended to read:

21 **291.23** (title) **Transportation Licenses; transportation.**

NOTE: Corrects error in transcribing 1995 Wis. Act 227.”.

1 **16.** Page 145, line 13: before that line insert:

2 “**SECTION 398m.** 293.13 (title) of the statutes is amended to read:

3 **293.13** (title) **Department powers duties.**

NOTE: Corrects error in transcribing 1995 Wis. Act 227.”.

4 **17.** Page 152, line 10: before that line insert:

5 “**SECTION 414m.** 301.45 (6) (c) of the statutes, as created by 1995 Wisconsin Act
6 440, is amended to read:

7 301.45 **(6)** (c) Notwithstanding pars. (a) and (b), a person who first became
8 subject to subs. (2) to (4) under 1995 Wisconsin Act 440 and who was in prison or a
9 secured correctional facility or a secured child caring institution, in institutional
10 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
11 supervision, conditional transfer or conditional release during the period beginning
12 on December 25, 1993, and ending on May ~~30~~ 31, 1997, shall be allowed until
13 January 1, 1998, to comply with the requirements under subs. (2) to (4).

NOTE: Corrects error in transcribing 1995 Wis. Act 440.”.

14 **18.** Page 164, line 14: before that line insert:

15 “**SECTION 453m.** 553.55 (1) of the statutes is reenacted to read:

16 553.55 **(1)** The division may make such public or private investigations within
17 or outside of this state as the division deems necessary to determine whether any
18 person has violated or is about to violate this chapter or any rule or order hereunder
19 or to aid in the enforcement of this chapter or in the prescribing of rules and forms
20 hereunder, and publish information concerning the violation of this chapter or any
21 rule or order hereunder.

NOTE: Corrects error in transcribing 1995 Wis. Act 27. The wrong paragraph was inadvertently inserted into the statutes.”.

1 **19.** Page 164, line 19: before that line insert:

2 “**SECTION 454m.** 565.30 (5m) of the statutes, as affected by 1997 Wisconsin Act
3 3, is amended to read:

4 **565.30 (5m)** WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR
5 FAMILY SUPPORT. The administrator shall report to the department of workforce
6 development the name, address and social security number of each winner of a
7 lottery prize that is payable in instalments. Upon receipt of the report, the
8 department of workforce development shall certify to the administrator whether any
9 payee named in the report is obligated to provide child support, spousal support,
10 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
11 767.26, 767.261, 767.465 (2m), 767.51 (3) or 948.22 (7) or ch. 769 and the amount
12 required to be withheld from the lottery prize under s. 767.265. The administrator
13 shall withhold the certified amount from each payment made to the winner and
14 remit the certified amount to the department of ~~industry, labor and job~~ workforce
15 development.

NOTE: 1997 Wis. Act 3 was intended to replace all occurrences of “industry, labor
and job development” with “workforce development”.

16 **20.** Page 180, line 1: before that line insert:

17 “**SECTION 498m.** 814.69 (1) (b) of the statutes is amended to read:

18 814.69 (1) (b) For a transcript under s. 757.57 (5), a fee from the party
19 requesting the transcript at the rate of \$1.75 per 25-line page for the original and
20 60 cents per 25-line page for each copy. If the request is by the state or any political
21 subdivision thereof, the fees of the reporter shall be at the rates provided in par. (1)
22 (a).

NOTE: Corrects error in transcribing 1995 Wis. Act 27.”.

1 **21.** Page 217, line 17: before that line insert:

2 “**SECTION 595m.** 973.135 (1) (intro.) of the statutes is reenacted to read:

3 973.135 (1) (intro.) In this section:

 NOTE: Corrects error in transcribing 1995 Wis. Act 27. This provision was
inadvertently omitted from the statutes.”

4 **22.** Page 219, line 16: before that line insert:

5 “(4m) The treatment of section 13.48 (18) of the statutes takes effect on
6 July 1, 2002, or upon completion of acquisition of property sufficient for the
7 construction of a facility to meet the space needs of the state law library, the
8 legislative reference bureau library and legislative and judicial branch agencies and
9 support staffs.”

10

(END)